

Notice of Allowability**Application No.**

10/576,169

Examiner

Tianjie Chen

Applicant(s)

OGASAWARA ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 10/01/2008.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20081121.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

REASONS FOR ALLOWANCE

1. Claims 1-7 are allowed.

The following is an examiner's statement of reasons for allowance:

- With regard to independent claim 1, as the closest reference of record, Minamimoto (JP 2000-090529 discloses a disk apparatus comprising: a stationary frame having an opening for inserting and ejecting a disk-shaped recording medium, a disk guide which is rotatably provided in the proximity of the opening of said stationary frame, and which leads said disk-shaped recording medium to the inserting operation and the ejecting operation, and a floating unit which is held in a floating state through elastic component in said stationary frame, and which has a function to perform a recording and/or reproducing operation on said disk-shaped recording medium, wherein said floating unit includes a roller arm for carrying said disk-shaped recording medium to a desired position; **but fails to show** that said roller arm moves to thereby permit the disk guide to close at least a part of the opening.
- With regard to independent claim 2, as the closest reference of record, Minamimoto (JP 2000-090529) discloses a disk apparatus comprising: a stationary frame having an opening for inserting and ejecting a disk-shaped recording medium, a disk guide which is rotatably provided in the proximity of the opening of said stationary frame, and which leads said disk-shaped recording medium to the inserting operation and the ejecting operation, and a floating unit which is held in a floating state through elastic component in said stationary frame, and which has a function to perform a recording and/or reproducing operation on said disk-shaped recording medium, wherein said floating unit includes a disk- carrying member having a roller arm which rotates itself while pressing said disk-shaped recording medium onto said disk guide, so as to carry said disk-shaped recording medium to a desired position, and wherein, when said disk-carrying member has carried said disk-shaped recording medium to a recording/reproducing position; **but fail to show** that said roller arm is rotated

or moved to thereby permit the disk guide to close at least a part of the opening for inserting and ejecting said disk-shaped recording medium.

- With regard to independent claim 5, as the closest reference of record, Minamimoto (JP 2000-090529) discloses a disk apparatus comprising: a stationary frame having an opening for inserting and ejecting a disk-shaped recording medium, a disk guide which is rotatably provided in the proximity of the opening of said stationary frame, and which leads said disk-shaped recording medium to the inserting operation and the ejecting operation, and a floating unit which is held in a floating state through elastic component in said stationary frame, and which has a function to perform a recording and/or reproducing operation on said disk-shaped recording medium; **but fail to show** that said disk guide is foldable in two stages and is folded while said disk guide is leading said disk-shaped recording medium to the inserting operation and ejecting operation.
- Applicant asserts; “An object of the present invention is therefore to provide a highly reliable disk apparatus which is reduced in size, thickness and weight, and which also reliably prevents the double insertion of disks with a simple structure, and thus prevents any contact between each of the disks.” (Specification, pp. 5-6).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/
Primary Examiner, Art Unit 2627